

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

ROCHELLE BARBEE

Plaintiff,

V.

CIVIL ACTION NO

COLLECTO, INC
D/B/A EOS CCS

Defendant.

NOVEMBER 19, 2012

COMPLAINT

1. Plaintiff seeks relief pursuant to the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692; Md. Ann. Code Commercial Law Maryland Consumer Debt Collection Act. § 14-204 et seq. ("MCDCA"); and the Md. Ann. Code Commercial Law Consumer Practices Act § 13-301 et seq.

2. The Court's jurisdiction is conferred by 15 U.S.C.1692k and 28 U.S.C. 1331 and 1367.

3. Plaintiff is a natural person who resides in Capital Heights, MD.

4. Plaintiff is a consumer within the FDCPA.

5. Defendant is a debt collector within the FDCPA.

6. Defendant is a collector within the MCDCA.

7. Defendant Collecto, Inc., is a foreign corporation company engaged in the business of collecting debts in the State of Maryland with a principal place of business located 700 LONGWATER DRNORWELL, MA 02061 – 1624.

8. Defendant is a licensed collection agency in the State of Maryland and is authorized to do business in Maryland. The principal purpose of Defendant business is the collection of debts and Defendant regularly attempts to collect debts alleged to be due another.

9. Defendant communicated with Plaintiff or others on or after one year before the date of this action, in connection with collection efforts with regard to Plaintiff's disputed personal debt.

10. Defendant mailed or caused to be mailed an initial collection letter dated November 22, 2001. See Exhibit "1"

11. The Plaintiff received the collection letter on or about December 5, 2012 and contacted the Defendant via written letter disputing the debt in response to the Defendants prior communication, attempting to collect a debt.

12. The Plaintiff specifically disputed the collection fee and requested the Defendant to obtain a copy of the contract, which provided for the charge of a collection fee.

12. The Defendant failed to validate the debt and continued to collect the debt despite the prohibition of §1692g.

13. The Defendant attempted to collect a principal balance of \$757.47 and a collection fee of \$136.34 for a total amount of debt \$893.81. (See exhibit 1)

14. The Defendant violated §1692e (2) (A) by charging an amount not legally authorized.

15. The Fair Debt Collection Practices Act (FDCPA) states:

§1692e (2) (A) “A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section: (2) The false representation of (A) the character, amount, or legal status of any debt.”

16. The Fair Debt Collection Practices Act (FDCPA) states:

§1692f (1) “A debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section: (1) The collection of any amount (including any interest, fee, charge, or expense incidental to the principal obligation) unless such amount is expressly authorized by the agreement creating the debt or permitted by law.

17. The Plaintiff did not sign an agreement permitting the charge of a collection fee in the customer service agreement with Verizon Wireless..

18. The Defendant does not maintain procedures in place adequately designed to avoid the violation(s) of the FDCPA.

19. In the collection efforts, the Defendant violated the FDCPA; inter alia, section 1692e, f and g.

SECOND COUNT:

20. The allegations of the First Count are repeated and realleged as if fully set forth herein.

21. Within three years prior to the date of this action Defendant has engaged in acts and practices as to Plaintiff in violation of the Md. Ann. Code Commercial Law Maryland Consumer Debt Collection Act § 14-204 et seq. ("MCDCA").

22. Defendant has committed unfair or deceptive acts or practices within the meaning of the Md. Ann. Code Commercial Law Consumer Practices Act § 13-301 et seq.

WHEREFORE Plaintiff respectfully requests this Court to:

1. Award plaintiff statutory damages pursuant to the FDCPA.
2. Award Plaintiff statutory damages pursuant to MDCDCA.
3. Award the plaintiff costs of suit and a reasonable attorney's fee.
4. Award such other and further relief as this Court may see fit.

THE PLAINTIFF



BY/S/Michael W. Kennedy
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The Kennedy Law Firm
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Branford, CT 06405
MD Bar No: 29935
203-481-4040
Fax: 443-440-6372
Email: mwk550@yahoo.com

EXHIBIT 1



November 22, 2011

EOS CCA
700 LONGWATER DRIVE
NORWELL, MA 02061

Toll Free : 1-877-208-4176
Phone Number: 1-303-267-4100

Office Hours:

Monday - Thursday: 8:00 AM - 9:00 PM MT
Friday: 8:00 AM - 5:00 PM MT
Saturday: 8:00 AM - 12:00 PM MT

NOTICE OF COLLECTION PLACEMENT**RE:**

Your Account with our Client: **VERIZON WIRELESS**
Client Reference #: **092038336800001**
Agency Account #: **13733826**
Original Creditor, if different from Client:

Principal:	\$	757.47
Interest:	\$	0.00
Fees/Coll Costs:	\$	136.34
Other Accounts:	\$	0.00
Total Due:	\$	893.81

VERIZON WIRELESS has placed your account with us for collection. This is a demand for payment of your debt. We urge you to remit payment to our office, unless you dispute this debt. If you dispute this debt, please see the reverse side of this notice for important rights.

If mailing your payment, please detach the coupon below and include with your payment in the enclosed envelope. Please complete the reverse side of the coupon if you wish to pay your bill with your credit card by mail.

This communication is from a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.

To make a payment by touch tone phone, on the web or by credit card, please see reverse side.

PLEASE SEE REVERSE SIDE FOR IMPORTANT RIGHTS

DEN-13733826-1-112211-353-09315-39

✕ Detach Bottom Portion And Return With Payment ✕



EOS CCA
PO BOX 296
NORWELL, MA 02061-0296
FORWARD SERVICE REQUESTED

Account # : 13733826	Client Reference # : 092038336800001	Total Due : \$893.81
Client : VERIZON WIRELESS		

PERSONAL & CONFIDENTIAL

DEN-13733826-1-112211-353-09315-39



*****AUTO**3-DIGIT 207
ROCHELLE BARBEE
708 CAPITOL HEIGHTS BLVD APT B
CAPITOL HEIGHTS MD 20743-2903

**MAIL ALL PAYMENTS AND CORRESPONDENCE TO:**

EOS CCA
PO BOX 556
NORWELL, MA 02061-0556